

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	No. CR-19-265-C
	)	
MELVIN NICHOLAS FAGAN,	)	
	)	
Defendant.	)	

**FINAL ORDER OF FORFEITURE**

The Court has reviewed the United States' Motion for a Final Order of Forfeiture (Doc. No. 67). The Court finds:

Pursuant to Title 18, United States Code, Section 924(d), Title 28, United States Code, Section 2461(c), and Rule 32.2(b)(2), Federal Rule of Criminal Procedure, this Court entered a Preliminary Order of Forfeiture based on defendant's plea providing for the forfeiture of defendant's right, title and interest in the below-described property, and the Court's finding of requisite nexus between the property and the offense committed by the defendant.

- 1) a Glock Model 19, .9mm caliber semi-automatic pistol, bearing serial number AARR954;
- 2) a Smith & Wesson Model 66 Combat Magnum, .357 Magnum caliber revolver, bearing serial number 9K98226;
- 3) a Smith & Wesson Model SW1911SC, .45 ACP caliber semi-automatic pistol, bearing serial number JRE6942; and

- 4) any and all magazines and ammunition not otherwise specified.

The Court's Order further directed the United States to provide notice to any persons known to assert an interest, as well as publishing notice stating the intent of the United States to dispose of the property in accordance with the law, and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property.

Notice of this forfeiture and the requirements for filing a claim for the property was published on the government's website at [www.forfeiture.gov](http://www.forfeiture.gov) for thirty (30) consecutive days beginning on January 25, 2020, and ending on February 23, 2020, for at least 18 hours per day. A copy of the Preliminary Order of Forfeiture was also provided to the following parties:

- (a) Peter L. Scimeca, attorney representing the defendant, by Notice of Electronic Filing on January 23, 2020, (*see* Doc. 26); and
- (b) Melvin Nicholas Fagan, defendant, c/o Grady County Jail, by personal service via the USMS, on February 3, 2020, USM-285, Process Receipt and Return form (*see* Doc. 27).

It appears from the record that no third party made any claim to or declared any interest in the above-described forfeited property as required by the ancillary provision of 21 U.S.C. § 853(n). Therefore, any third-party interests are barred by failure of those parties to file a petition.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the right, title and interest to the property described above is hereby condemned, forfeited and vested in

the United States of America, free and clear of the claims of any person, including, Melvin Nicholas Fagan, and shall be disposed of according to law.

That upon entry of this order, the Bureau of Alcohol, Tobacco, Firearms and Explosives is directed to deliver the above-described property to the United States of America for disposition according to law.

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction in the case for the purposes of enforcing this Order.

**IT IS SO ORDERED** this 12<sup>th</sup> day of March 2021.

  
ROBIN J. CAUTHRON  
United States District Judge